

Appl. No. 10/659,989
Reply Dated 01/09/2006
Reply to Office Comm. Dated 12/19/2005

REMARKS/ARGUMENTS

In an Office Action mailed 07/07/2005 the Examiner rejected claims 1, 8, 26, and 27, and claims 2-7, 9-25, and 28-40 were withdrawn from consideration.

In a reply filed on 08/16/2005 applicant amended the specification, claims 1, 8, 10, 11, 26, 31, and 32, and the drawings. Claims 9 and 27 were canceled.

In an Office communication mailed 09/22/2005 the Examiner advised that the reply filed on 08/16/2005 was not fully responsive.

In a reply filed on 10/26/2005 applicant attempted to reply to the Office communication mailed 09/22/2005 with a reply that was a complete response to the Office Action mailed 07/07/2005. Applicant requested that the reply filed on 10/26/2005 be entered in place of the reply filed on 08/16/2005.

In an Office communication mailed 12/19/2005 the Examiner advised that the reply filed on 10/26/2005 was not fully responsive, in part because the amendments to the specification and to certain claims did not comply with 37 CFR 1.121 as the amendment filed 08/16/2005 was not reflected therein.

The remarks in this Reply address only the issues raised in the two Office communications and do not restate applicant's arguments made in the reply filed on 08/16/2005, which applicant respectfully requests be fully considered.

1. Amendments Do Not Comply With 37 CFR 1.121

Applicant understands the posture of the case to be that applicant's reply filed on 08/16/2005 has been entered but is not fully responsive and applicant's reply filed on 10/26/2005 has not been entered as not in compliance with 37 CFR 1.121. Applicant therefore presents this Reply where the amendments reflect the amendment filed 08/16/2005 and do not reflect the amendment filed 10/26/2005. Applicant respectfully submits that this fully addresses point 1 of the Office communication mailed 12/19/2005, the failure to comply with 37 CFR 1.121.

2. Claims 1 and 2 Unreadable on the Elected Embodiment

The Examiner finds that claim 1, as amended in the reply filed on 08/16/2005, does not encompass the elected embodiment while the claim is stated to be generic.

Applicant has amended claim 1 to recite "an actuated position" which is found discussed throughout the specification as filed, for example in the first full paragraph on page 12 at line 14. Applicant respectfully submits that the claim as amended now reads on all species and is thus generic.

The Examiner notes that claim 2 is listed as "original" and also recites a second spring. Claim 2 has been canceled.

Appl. No. 10/659,989
Reply Dated 01/09/2006
Reply to Office Comm. Dated 12/19/2005

3. Language of Claim 26

In paragraph 3 of the Office Action mailed 07/07/2005 the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner did not find proper antecedent basis for the "method" steps of claims 26 and 27.

Claim 27 was canceled and its substance incorporated into claim 26 by amendment in the reply filed on 08/16/2005.

Applicant has amended claim 27 to be similar to claim 1 as amended and to reflect the method of the invention as disclosed in the specification as filed on page 19, line 15, through page 21, line 2. Applicant respectfully submits that the claim as amended now finds proper antecedent basis in the specification as filed.

Claim Amendments

Applicant has further amended the claims over the amendments made in the reply filed on 08/16/2005 by canceling claim 2, the substance of which was previously incorporated into claim 1 by amendment, and amended claims 3-7 to provide proper dependency following the cancellation of claim 2. Claim 12 has been amended to provide proper antecedent basis in view of the amendment of claim 1. Claim 30 has been amended to provide proper antecedent basis in view of the amendment of claim 26.

Appl. No. 10/659,989
Reply Dated 01/09/2006
Reply to Office Comm. Dated 12/19/2005

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 01/09/2006

By

James Henry
Reg. No. 41,064
Tel.: (714) 557-3800 (Pacific Coast)

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

transmitted by facsimile to the Patent and
Trademark Office.

Date: 01/09/2006

Jessica A. Clark

1/9/2006
Date